

UNITED STATES OF AMERICA  
BEFORE THE NATIONAL LABOR RELATIONS BOARD  
DIVISION OF JUDGES

GIBSON GREETINGS, INC .

and

Case 9-CA-27660

INTERNATIONAL BROTHERHOOD OF  
FIREMEN AND OILERS, AFL-CIO

*Deborah Jacobson, Esq.*,  
of Cincinnati, OH,  
for the General Counsel.

*Lisa Huelsman, Esq.*,  
of Cincinnati, OH,  
for the Respondent.

BENCH DECISION & CERTIFICATION

MARTIN J. LINSKY, Administrative Law Judge. In a Backpay Compliance Specification, dated April 4, 1997, as amended by errata on April 9, 1997, the Regional Director for Region 9 alleged that Respondent, Gibson Greetings, Inc, had failed to pay backpay to Terry Lear, one of a number of employees unlawfully fired for picket line misconduct pursuant to a Decision and Order of the National Labor Relations Board. *Gibson Greetings, Inc.*, 310 NLRB 1286 (1993), affirmed, in pertinent part, on May 19, 1995, by the U.S. Court of Appeals for the Sixth Circuit. Respondent filed an Answer to the Backpay Compliance Specification denying it owes any backpay to Terry Lear.

This backpay case was tried before me in Lexington, Kentucky, on September 11, 1997. At the conclusion of the trial and following oral argument by counsel for the General Counsel and the Respondent, I issued a bench decision pursuant to Section 102.35(a)(10) of the Board's Rules and Regulations, setting forth findings of fact, conclusions of law and a recommended order. In accordance with Section 102.45 of the Rules and Regulations, I certify the accuracy of, and attach hereto as "Appendix A," the portion of the transcript containing my decision.

My recommended Order is set forth at the end of the bench decision, which is attached hereto as Appendix A, and provides that Respondent pay to Terry Lear net back pay in the amount of \$20,454, plus interest thereon, accrued to the date of payment, computed in the manner prescribed in *New Horizons for the Retarded*, 283 NLRB No. 181 (1987), minus any withholding required by Federal or State law.<sup>1</sup>

Dated, Washington, D.C. October 8, 1997.

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Martin J. Linsky  
Administrative Law Judge

<sup>1</sup> If no exceptions are filed as provided by Sec. 102.46 of the Board's Rules and Regulations, the findings, conclusions, and recommended Order shall, as provided in Sec. 102.48 of the Rules, be adopted by the Board and all objections to them shall be deemed waived for all purposes.